

*R4
cont*

perform the predetermined task, wherein executing the at least one software program includes replacing a portion of the optical reader program.

A5

44. (Amended) A method for reprogramming a first optical reader to perform a task performed by a second optical reader, the first optical reader having a first parameter table stored in memory, the second optical reader being programmed to perform the task by a second parameter table resident in the second optical reader, the method comprising:

providing an optically encoded menu symbol corresponding to the second parameter table; and

scanning-decoding the optically encoded menu symbol with the first optical reader to thereby load the parameter table into the first optical reader, wherein the step of scanning-decoding includes replacing at least a portion of the first parameter table.

Remarks

In view of the above amendments and following remarks, favorable reconsideration of the outstanding office action is respectfully requested. Pursuant to the telephonic interview conducted on March 19, 2003, claims 1, 16, 19, 34, and 44 have been amended to include the subject matter of allowable claim 17. Claims 1 - 45 remain in this application.

1. Allowed Claims/Subject Matter

Applicant notes with appreciation that the Examiner has indicated the subject matter of claims 3, 6 – 15, 17, 18, 20 – 33, 35 – 43, and 45 is patentable, and would be allowable if rewritten in independent form.

2. Telephonic Interview

The applicants express their appreciation for the courtesies extended to the applicants' representative during the telephonic interview conducted on March 19, 2003. During the telephonic interview, the applicants' representative agreed to insert the contents of allowable claim 17 into each of the independent claims.

3. § 102 Rejections

The Examiner has rejected claims 1, 2, 4, 5, 16, 19, 27, 34, and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,149,062 to Danielson et al. [hereinafter Danielson]. The applicants respectfully traverse the Examiner's rejection because the Examiner has failed to make a *prima facie* case of anticipation because the Examiner has failed to point out where each and every element of the claimed invention is disclosed by the cited prior art. Nonetheless the independent claims have been amended to include the limitations of allowable claim 17 to further prosecution.

Claim 1 is directed to an optical reader for scanning and decoding at least one optically encoded symbol. The optical reader includes a program loading component operative to store an externally generated program in the optical reader. A program execution component is coupled to the program loading component. The program execution component is operative to execute the externally generated program stored in the optical reader to thereby perform a predetermined task, in accordance with the externally generated program, whereby executing the externally generated program includes replacing at least a portion of the optical reader program.

Claim 16 is directed to an optical reader for scanning-decoding at least one optically encoded symbol. The optical reader includes a communications interface adapted to communicate with an external device. An imaging assembly scans the at least one optically encoded signal to thereby produce digital imaging data. The optical reader also includes processing means for receiving the digital imaging data from the imaging assembly, decoding the digital imaging data in accordance with an optical reader program stored in an optical reader memory, loading an externally generated program into the optical reader memory via the communications interface, and executing the externally generated program to thereby perform a new task, whereby executing the externally generated program includes replacing at least a portion of the optical reader program.

Claim 19 is directed to a method for instructing an optical reader to perform a task it is not programmed to perform. The method includes loading an externally generated program into a memory located in the optical reader, and executing the externally generated program to perform the task, whereby the step of executing the externally generated program includes replacing a portion of the optical reader program.

Claim 34 is directed to a reprogrammable optical reader system. The optical reader system has a program stored in memory. The system includes a programming source having at least one software program. The at least one software program corresponds to a

predetermined task. A transmission facility is coupled to the programming source for transmitting the at least one software program. An optical reader is coupled to the transmission facility. The optical reader is configured to receive and execute the at least one software program to thereby perform the predetermined task, wherein executing the at least one software program includes replacing a portion of the optical reader program.

Claim 44 is directed to a method for reprogramming a first optical reader to perform a task performed by a second optical reader. The first optical reader has a first parameter table stored in memory. The second optical reader is programmed to perform the task by a second parameter table resident in the second optical reader. The method includes providing an optically encoded menu symbol corresponding to the second parameter table. The optically encoded menu symbol is scanned and decoded with the first optical reader to thereby load the parameter table into the first optical reader, wherein the step of scanning-decoding includes replacing at least a portion of the first parameter table.

Danielson is directed to a hand-held data collection system that includes a base unit that has a user interface. The base unit is of a size that allows it to be held in one hand. The data collection system also includes a detachable reader unit. The detachable reader unit includes a non-contact data reader that reads data disposed in a non-contacting relationship to the reader unit. The reader unit also includes an energy source.

According to **MPEP 2131**, “to anticipate a claim, the reference must teach every element of the claim.” A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

A. Claim 1:

With respect to claim 1 as originally filed, the Examiner’s rejection fails to point out where the program loading component and/or the program execution component recited in claim 1 can be found in Danielson. Nonetheless, the applicants have amended claim 1 to include the subject matter of allowable claim 17.

Applicants respectfully assert that amended independent claim 1 is allowable under 35 U.S.C. § 102(b). Claims 2 - 15 are also patentable by virtue of depending from claim 1. The Examiner has previously indicated that claims 3, and 6-15 are allowable in their own right.

B. Claim 16:

With respect to claim 16 as originally filed, the Examiner's rejection fails to point out where Danielson discloses processing means that performs the steps of loading and executing as recited in claim 16. Nonetheless, the applicants have amended claim 1 to include the subject matter of allowable claim 17.

Applicants respectfully assert that amended independent claim 16 is allowable under 35 U.S.C. § 102(b). The Examiner previously indicated that claims 17 - 18 are patentable under 35 U.S.C. § 102(b).

C. Claim 19:

Claim 19 is directed to a method of instructing an optical reader. The Examiner's rejection fails to point out where the steps of loading an externally generated program and executing the externally generated program, as recited in claim 19 as originally filed, are found in Danielson. However, to further prosecution, the applicants have amended claim 19 to include the subject matter of allowable claim 17.

Applicants respectfully assert that amended claim 19 is allowable under 35 U.S.C. § 102(b). The Examiner also indicated that claims 20 – 33 are also patentable under 35 U.S.C. § 102(b).

D. Claim 34:

The Examiner has failed to point out where Danielson discloses a reprogrammable optical reader configured to receive and execute an externally generated software program, as recited in claim 34. Nonetheless, to further prosecution, the applicants have amended claim 34 to include the subject matter of allowable claim 17. Of course, the applicants reserve the right to file a continuing application to prosecute the claims as originally filed.

Applicants respectfully assert that amended claim 34 is allowable under 35 U.S.C. § 102(b). The Examiner has previously indicated that claims 35 – 43 are also allowable under 35 U.S.C. § 102(b).

E. Claim 44:

The Examiner has failed to point out where a method for reprogramming an optical reader, as recited in claim 44, can be found in Danielson. In particular, the Examiner has failed to show where Danielson teaches a step of providing an optically encoded menu symbol, as recited in claim 44. Further, the Examiner has failed to point out where Danielson

shows a step of scanning-decoding the optically encoded menu symbol to thereby load a parameter table into the optical read, as recited in claim 44. Again, to further prosecution, the applicants have amended claim 44 to include the subject matter of allowable claim 17.

In light of the above, applicants respectfully assert that claims 44 is allowable under 35 U.S.C. § 102(b). The Examiner has previously indicated that claims 45 is also allowable under 35 U.S.C. § 102(b).

3. Conclusion

Based upon the above amendments, remarks and papers of record, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests reconsideration of the pending claims 1-45 and a prompt Notice of Allowance thereon.

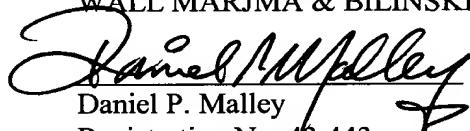
Applicant believes that no extension of time is necessary to make this Response timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 50-0289.

Please direct any questions or comments to Daniel P. Malley at (607) 256-7307.

Respectfully submitted,

WALL MARJMA & BILINSKI

Date: 3/24/03


Daniel P. Malley
Registration No. 43,443
WALL MARJMA & BILINSKI
101 S. Salina Street
Suite 400
Syracuse, NY 13202

VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) An optical reader for scanning and decoding at least one optically encoded symbol, the optical reader comprising:
 - a program loading component operative to store an externally generated program in the optical reader; and
 - a program execution component coupled to the program loading component, the program execution component being operative to execute the externally generated program stored in the optical reader to thereby perform a predetermined task in accordance with the externally generated program, whereby executing the externally generated program includes replacing at least a portion of the optical reader program.
16. (Amended) An optical reader for scanning-decoding at least one optically encoded symbol, the optical reader comprising:
 - a communications interface adapted to communicate with an external device;
 - an imaging assembly for scanning the at least one optically encoded signal to thereby produce digital imaging data; and
 - processing means for,
 - receiving the digital imaging data from the imaging assembly,
 - decoding the digital imaging data in accordance with an optical reader program stored in an optical reader memory,
 - loading an externally generated program into the optical reader memory via the communications interface, the externally generated program corresponding to a new task, and
 - executing the externally generated program to thereby perform the new task, whereby executing the externally generated program includes replacing at least a portion of the optical reader program..

19. (Amended) A method for instructing an optical reader to perform a task it is not programmed to perform, the method comprising:

loading an externally generated program into a memory located in the optical reader;

and

executing the externally generated program to perform the task, whereby the step of executing the externally generated program includes replacing a portion of the optical reader program.

34. (Amended) A reprogrammable optical reader system, the optical reader system having a program stored in memory, the system comprising:

a programming source having at least one software program, the at least one software corresponding to a predetermined task;

a transmission facility coupled to the programming source for transmitting the at least one software program; and

an optical reader coupled to the transmission facility, [whereby] the optical reader being configured to receive[s] and execute[s] the at least one software program to thereby perform the predetermined task, wherein executing the at least one software program includes replacing a portion of the optical reader program.

44. (Amended) A method for reprogramming a first optical reader to perform a task performed by a second optical reader, the first optical reader having a first parameter table stored in memory, the second optical reader being programmed to perform the task by a second parameter table resident in the second optical reader, the method comprising:

providing an optically encoded menu symbol corresponding to the second parameter table; and

scanning-decoding the optically encoded menu symbol with the first optical reader to thereby load the parameter table into the first optical reader, wherein the step of scanning-decoding includes replacing at least a portion of the first parameter table.